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October 20, 2020

BY ECF

Hon. Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Re: *L.M. obo L.M. v. N.Y.C. Dep't of Educ.*, 20-cv-4246 (AJN)

Dear Judge Nathan,

I am an Assistant Corporation Counsel assigned to the defense of the above action, wherein Plaintiff seeks attorneys' fees and costs for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* ("IDEA"), as well as for this action. I write on behalf of the parties in response to the Court's October 19, 2020 Order, Dkt. No. 17, wherein Your Honor directs the parties to belatedly submit a joint letter and proposed case management plan, both of which were due but not filed on October 16, 2020. For the reasons stated below, the parties jointly request that Your Honor adjourn the initial conference currently scheduled for October 23, 2020, *sine die* or to a date subsequent to December 5, 2020, and postpone the parties' related obligations pursuant to Your Honor's Individual Practices, Section 2.B, to file a joint letter and proposed case management plan.

As this Office reported in Defendant's October 2, 2020 letter motion for an extension of time to file an answer, on consent, Dkt. No. 14, Defendant will review Plaintiffs' counsel's fee demand and billing records, and the parties will attempt to resolve this matter without further burdening the Court. Pursuant to the Court's October 6, 2020 Order, Dkt. No. 16, issued in response to Defendant's October 2, 2020 letter motion, Defendant's answer is due on December 5, 2020, and the parties will therefore work to reach a settlement agreement prior to that date.

I was assigned to this action late last week, and I was furloughed on Friday, October 16, 2020, pursuant to the Mayor's Personnel Order No. 2020/2. It was an oversight by this Office to presume that the Court's October 6, 2020 Order adjourning Defendant's answer deadline did not lift the parties' obligation to file a joint letter and proposed case management plan on October 16, 2020, and it was an oversight to presume that the Order did not affect the initial conference scheduled for October 23, 2020. However, given that Defendant's answer is not due until

December 5, 2020, and because the parties are actively engaging in settlement discussions, the parties respectfully submit that the initial conference is not necessary at this time. Therefore, the parties respectfully request that the conference, if necessary, be adjourned *sine die* or to a date after December 5, 2020, and that the parties be allowed to submit a joint letter and proposed case management plan, if at all, seven days prior to that conference.

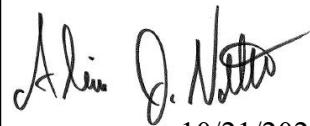
Thank you for your consideration of this request.

The initial pretrial conference scheduled for October 23, 2020, is adjourned to January 8, 2021, at 3:15 p.m. The parties should submit their joint letter and proposed case management plan seven days prior to the scheduled conference. SO ORDERED.

Respectfully,

/s/ Ian William Forster

Ian William Forster
Assistant Corporation Counsel



SO ORDERED.
10/21/2020
ALISON J. NATHAN, U.S.D.J.